THE HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.1937 of 2006

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Dated: March 6, 2006

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Between:

K. Syamala Devi, W/o. Venkateswar Rao,

Aged about 40 years, Ex-Conductor, (E-700537),

APSRTC, Jangareddygudem Bus Depot,

West Godavari District, A.P.

… Petitioner

And

The Depot Manager, APSRTC,

Jangareddygudem Bus Depot,

West Godavari District, A.P.

… Respondents

Order:

Heard the learned counsel for the petitioner and also
Sri R. Manmadha Reddy, learned Standing Counsel for the respondent-Corporation.

2. The petitioner, who was included in the selection list as a daily wage conductor in the Andhra Pradesh State Road Transport Corporation in West Godavari division, has filed this Writ Petition questioning the proceedings of the respondent dated 31-05-2001, deleting her name from the approved list/selection list of conductors. It is the case of the petitioner that though she was selected by following due process, but, however, the impugned order, deleting her name from the approved list, has been passed without conducting any enquiry. The petitioner relies on certain judgments of this Court, wherein such deletion, without conducting any enquiry, was disapproved. The impugned order was passed on 31-05-2001 and pursuant to the same; petitioner preferred an appeal and also raised an Industrial Dispute, which ultimately ended in dismissal only on 17-10-2005.

3. Sri R. Manmadha Reddy learned Standing Counsel for the respondent-Corporation submits that since there is abnormal delay on the part of the petitioner in approaching this Court, petitioner is not entitled for any relief. But, however, he has not disputed that in similar matters, this Court has set aside the orders of deletion of names of conductors from the approved list, on the ground that those names were deleted from the approved list, without conducting any enquiry.

4. It is not in dispute that selection was made by following regular procedure. It is also not in dispute that the name of the petitioner was removed from the approved list, without conducting any regular enquiry though the said action refers to certain charges framed against the petitioner. Though the learned Standing Counsel submits that the petitioner is not entitled to any relief as there is abnormal delay on her part in approaching this Court, it is to be seen that the petitioner has explained the delay and the laches on her part stating that she has approached the appellate authority and also raised an Industrial Dispute under Section 2-A (2) of the Industrial Disputes Act, 1947. In that view of the matter, the petitioner was pursuing her remedy one way or the other. As such delay alone should not come in her way to have a similar relief, which was granted by this Court to similarly placed persons.

5. In that view of the matter, the order dated 31-05-2001 passed by the respondent in proceedings No.01/95(9)/2001-JRG, is set aside. However, it is open for the respondent to proceed with the enquiry on the charges levelled against the

petitioner and pass appropriate orders in accordance with law.

6. The Writ Petition is allowed to the extent indicative above.

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JUSTICE R. SUBHASH REDDY.

March 6, 2006

N.B. Furnish C.C. in three days

B/o.

MRR